

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

BRENDA RHAMES, *et al.*,

*Plaintiffs,*

v.

UNITED STATES OF AMERICA, *et al.*,

*Defendants.*

Civil No. 7:17-cv-0009-O

**DEFENDANTS' MOTION TO DISMISS, OR, IN THE ALTERNATIVE, FOR  
SUMMARY JUDGMENT**

Defendants the United States, Attorney General Jefferson B. Sessions, III, Hugh J. Hurwitz, Jody R. Upton, and David R. Wilson, in their official capacities ("Defendants"), by undersigned counsel, respectfully move the Court to dismiss Plaintiff's Amended Verified Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1). Alternatively, Defendants move the Court to grant them summary judgment as to all of Plaintiff's claims pursuant to Federal Rule of Civil Procedure 56. The grounds for the instant Motion are set forth in Defendants' Memorandum, which will be filed separately. *See* Local Rule 56.3(b), 56.5(a).

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Dated: September 10, 2018

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

JOSHUA E. GARDNER  
Assistant Director, Federal Programs Branch

s/ Kenneth E. Sealls  
KENNETH E. SEALLS  
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*Counsel for Defendants*

### **CERTIFICATE OF SERVICE**

I hereby certify that on September 10, 2018, I electronically filed a copy of the foregoing, with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel for Plaintiff Brenda Rhames by operation of the Court's electronic filing system, and I hereby further certify that on September 10, 2018, I transmitted by electronic mail to Plaintiff Jeanette Driever the foregoing, and that I placed it for mailing, first-class, postage prepaid, to Plaintiff Driever, for September 11, 2018, to her at 4900 Wyoming Blvd., NE #41, Albuquerque, NM 87111.

s/ Kenneth E. Sealls  
KENNETH E. SEALLS  
Trial Attorney  
United States Department of Justice